

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS
INC., *et al.*,

Defendants.

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No. 05 Civ. 5231 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

By Order dated April 10, 2012, the Court denied without prejudice Defendant Gary Tanaka's request to file letter attachments to his pre-motion letter, and denied his request to docket all correspondence in this case. The Court is now in receipt of an emailed message from Vivian Shevitz, counsel for Mr. Tanaka, dated April 10, 2012, objecting to the Court's Order and clarifying that he wishes to include six attachments of approximately one page each. The Court is also in receipt of Mr. Tanaka's pre-motion letter, dated April 10, 2012, which is accompanied by a renewed request in the body of the email that the letters be docketed.


As noted in the Court's previous Order, pre-motion letters are merely summaries of arguments sent in advance of pre-motion conferences, which are held on the record. Because the parties will have the opportunity to make a record of their positions at the conference currently scheduled for May 4, 2012, the Court sees no need to depart from its usual practice. Should the parties wish to appear before the Court at an earlier date, they may submit a letter making such a request.

Moreover, it bears noting that the Court has repeatedly received correspondence from counsel in this case and in the related criminal case, No. 05 Cr. 621 (RJS), that is not in compliance with Rule 1.A of the Court's individual practices, which requires that letters be submitted as .pdf attachments. Instead, the Court has frequently received inappropriately casual email messages making requests and asserting objections. In short, Ms. Shevitz seems to be of the view that she is entitled to communicate with the Court whenever and however she wishes, regardless of the District's local rules or the Court's individual practices. She is mistaken. Accordingly, IT IS HEREBY ORDERED THAT all future correspondence from Ms. Shevitz in this matter shall be by letter, mailed to Chambers at 500 Pearl Street, New York, New York 10007.

Finally, in light of the brevity of Defendant's proposed attachments to his pre-motion letter, IT IS HEREBY ORDERED THAT Defendant may submit the additional materials described.

SO ORDERED.

Dated: April 11, 2012
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE